

AUTHORITY, PURPOSE AND DEFINITIONS

SECTION 1. AUTHORITY, PURPOSE AND DEFINITIONS

1.1 Authority

The Town of Concord Zoning Bylaw is adopted pursuant to and under the authority of "The Zoning Act" of the Commonwealth of Massachusetts, Chapter 40A of the General Laws.

1.2 Purpose

The purpose of this Bylaw is to implement the zoning powers granted to the Town of Concord under the Constitution and Statutes of the Commonwealth and includes but is not limited to, the following objectives: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, sewage disposal, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town; to preserve and increase amenities; and to preserve and enhance the development of the natural, scenic and aesthetic qualities of the community.

1.3 Definitions

In this Bylaw the following terms shall have the following meanings:

1.3.1 Abandoned, abandonment: The visible or otherwise apparent intention of an owner or occupant to discontinue or abandon a particular nonconforming use or structure, including, but not limited to, such actions as removal of equipment or furnishings customarily incident to a particular use without their immediate replacement, or the replacement of a nonconforming use or structure with a conforming use or structure.

1.3.2 Affordable housing: A dwelling unit that by deed restriction is and will remain (a) for sale and sold at a selling price that will result in an annual shelter cost (which for this purpose shall include, to the extent required by the applicable federal, state or local program, real estate taxes, insurance and mortgage interest) of not more than thirty percent (30%) of the annual household income of a qualified affordable housing unit purchaser; or (b) available for rent and rented at an annual rent (which for this purpose shall include, to the extent required by the applicable federal, state or local program, an appropriate, allowance for utilities to the extent they are not otherwise included in the rent) that will result in an annual shelter cost of not more than thirty percent (30%) of the annual household income of a qualified affordable housing unit tenant; and/or, (c) a dwelling unit that qualifies and that will be included in the Affordable Housing Inventory for the Town of Concord that is maintained by the Massachusetts Department of Housing and Community Development or any successor entity.

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A qualified affordable housing unit purchaser or a qualified affordable housing unit tenant with respect to a unit is an individual or household with total annual income which qualified such purchaser or tenant under the appropriate provisions of the federal, state or local program applicable to the unit.

1.3.3 *Board:* The Town of Concord Board of Appeals.

1.3.4 *Building:* A structure, whether portable or fixed, enclosed within exterior walls or firewalls, having a roof, and built, erected and framed of a combination of any materials to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering whether or not permanent in nature. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

1.3.5 *Building Code:* The State Building Code of the Commonwealth of Massachusetts, as the same may be amended from time to time. Terms used in this Bylaw shall have the same meaning as ascribed to them in the Building Code unless the context of usage in this Bylaw clearly indicates another meaning.

1.3.6 *Bylaw:* Town of Concord Zoning Bylaw. All sections and subsections refer to sections and subsections of this Bylaw unless otherwise specifically stated.

1.3.7 *Dwelling:* A structure or portion thereof which is used exclusively for human habitation.

1.3.8 *Dwelling unit:* A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

1.3.9 *Family day care:* A private dwelling which receives for temporary custody not more than six children, including participating children living in the residence, provided said dwelling and day care provider have received a license from the Commonwealth of Massachusetts to provide family day care, as defined in G.L.c.28A. For purposes of this bylaw, a family day care home is a customary home occupation.

1.3.10 *Formula business:* A type of business activity that maintains two or more of the following standardized features:

1. array of services and/or merchandise, or menu
2. trademark, logo, service mark or symbol
3. décor, architecture, layout or color scheme
4. uniforms
5. sign

and these features are the same as or substantially the same as fifteen or more such establishments, regardless of ownership or location. Formula businesses shall not include post offices, churches, schools, government facilities, grocery stores or accessory uses.

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1.3.11 *Frontage:* A continuous portion of a sideline of a street between the side lines of a lot, which provides safe and adequate vehicular and pedestrian access from said street to the principal use of a lot.

1.3.12 *Gross floor area:* The sum of the horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, not including any space where the floor to ceiling height is less than six feet, eight inches (6'8").

1.3.13 *Home occupation:* A non-residential use of a dwelling unit that is subordinate but compatible to residential use.

1.3.14 *Large family day care:* A private dwelling which receives for temporary custody up to ten children, including participating children living in the residence, provided said dwelling and day care provider have received a license from the Commonwealth of Massachusetts to provide family day care, as defined in G.L.c28A. For purposes of this bylaw, a family day care home is a customary home occupation.

1.3.15 *Lot:* An area of land in one ownership with definitive boundaries ascertainable from a recorded deed or recorded plan.

1.3.16 *Mobile medical facility:* a trailer or other mobile structure that has been modified by the installation of specialized medical testing equipment as a medical center and laboratory.

1.3.17 *Multi-unit dwelling:* A structure containing more than two (2) dwelling units. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.

1.3.18 *One ownership:* Undivided ownership of a lot by one or more natural or legal persons, whether title thereto be joint, in common, or by the entirety.

1.3.19 *Planning Board:* The Town of Concord Planning Board.

1.3.20 *Record, or recorded:* Title to a lot as disclosed by a deed recorded in the Middlesex title issued by the Land Court and registered in the Land Court section of such Registry, or record title disclosed by any and all pertinent public records.

1.3.21 *Single-family detached dwelling:* A structure containing one dwelling unit designed for and used exclusively as a single housekeeping unit.

1.3.22 *Single-Family Semi-Detached Dwelling:* A single-family dwelling unit attached to another single-family dwelling unit by a common vertical wall, with each dwelling unit located on a separate lot.

1.3.23 *Storage Trailers:* An enclosed metal storage container that was designed principally for the transport of goods or materials.

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1.3.24 Street: An improved public way laid out by the Town of Concord, the Middlesex County Commissioners or the Commonwealth of Massachusetts, or a way which the Concord Town Clerk certifies is maintained by public authority and used as a public way, or a way in existence having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. A way shall not be a "street" with respect to any lot which does not have appurtenant to it a recorded right of access to and over such way for vehicular traffic.

1.3.25 Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word "structure" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

1.3.26 Two-family dwelling: A structure, located on a single lot, containing two (2) dwelling units each of which is totally separated from the other either by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell, or by a common vertical wall. This definition includes the duplex dwelling.

1.3.27 Use, accessory: Any use which (1) is subordinate to a principal use, (2) is secondary in physical area, intensity of use, and purpose to the principal use served, and (3) is customarily incidental to the principal use.

1.3.28 Use or structure, Nonconforming: A use or structure, lawfully existing at the time of adoption of this Bylaw or any subsequent amendment hereto, which does not conform to one or more provisions of this Bylaw.

1.3.29 Use, principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it is permitted to be used, occupied or maintained under this Bylaw.

1.4 Changes in Numbering

The Town Clerk is authorized to make non-substantive changes to the numbering of this Bylaw and future amendments hereto in order to make numbering conform to the numbering format of this Bylaw.